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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,028	02/05/2004	Dan Pellerin	60,568-018	5977

27305 7590 11/21/2005

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EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3726

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,028	<b>Applicant(s)</b> PELLERIN ET AL.	
	<b>Examiner</b> Christopher M. Koehler	<b>Art Unit</b> 3726	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 8-11 and 14 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/18/03, 7/16/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because in line 5 the applicant writes, "the endless conveyor member moves wheels and assemble tires and wheels". Consider revising "assemble" to --assembles-- or --assembled--. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: On page 6, line 7 of the specification the applicant states "the module 12c are exchangeable...". Consider revising "are" to --is--. On page 6, paragraph 21 of the specification the applicant identifies upper longitudinal cross-members 38 and 40 and goes on to identify lower longitudinal cross members 40 and 42. In order to maintain the cohesiveness of the specification the applicant should decide whether to use either cross-member or cross member. Furthermore, the applicant should alter the lower cross member elements to be 42 and 44, which is congruent with the drawings.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by  
**Thurston et al (US Patent No. 6,520,321).**

Art Unit: 3726

5. Regarding **claim 1**, Thurston teaches a plurality of modules (**20, figure 3**) removably interconnected with one another to form an assembly line. Thurston also teaches an endless conveyor member (**14**) for moving workpieces along an assembly line and supported for circling movement by a plurality of modules (**abstract**). The conveyor of Thurston is inherently capable of moving wheels and tires.
6. Regarding **claims 2 and 3**, Thurston teaches that the modules are identical in structure with respect to one another and are therefore inherently interchangeable.
7. Regarding **claims 4 and 5**, Thurston teaches that the modules have an upper frame assembly, which supports the upper portion of the endless conveyor member, and a lower frame assembly, which supports the lower portion of the endless conveyor member, with rollers (**26**), and also supports the upper frame assembly via legs (**24**) and plates (**22**).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 8, 10 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thurston in view of Applicant Admitted Prior Art (AAPA)**.
10. Regarding **claim 8**, Thurston teaches a plurality of modules (**20, figure 3**) removably interconnected with one another to form an assembly line. Thurston also

Art Unit: 3726

teaches an endless conveyor member (**14**) for moving workpieces along an assembly line and supported for circling movement by a plurality of modules (**abstract**). The conveyor of Thurston is inherently capable of moving wheels and tires. Thurston does not teach a plurality of workstations dispersed between the modules. AAPA teaches that prior art assembly lines include a plurality of workstations for assembling the tires and wheels with respect to one another (**paragraph 7**). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the workstations of the AAPA to the modular conveyor of Thurston in order to make a more flexible assembly line capable of mating tires with wheels.

11. Regarding **claim 10**, AAPA teaches that the prior art workstations include tire and wheel soaping stations, and wheel assembly stations (**paragraph 7**).

12. Regarding **claim 14**, Thurston teaches a plurality of modules (**20, figure 3**) removably interconnected with one another to form an assembly line. Thurston also teaches an endless conveyor member (**14**) for moving workpieces along an assembly line and supported for circling movement by a plurality of modules (**abstract**). The conveyor of Thurston is inherently capable of moving wheels and tires. Thurston does not teach a plurality of workstations dispersed between the modules. AAPA teaches that prior art assembly lines include a plurality of workstations for assembling the tires and wheels with respect to one another, including wheel orienting, wheel/tire soaping, tire mounting and inflating units, wherein the major improvements in the field are related to adaptable assembly lines. Since admitted prior art as well as art made of record include a plurality of workstations for assembling tires to wheels and always in the order

Art Unit: 3726

of wheel soaping, tire soaping, transfer of tire to wheel, wheel assembly and tire inflation the examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time of invention to apply the workstations of the AAPA to the modular conveyor of Thurston in order to make a more flexible assembly line capable of mating tires with wheels. It is interpreted by the examiner that the locations of the workstations with respect to first, second, etc. modules is merely a reference to their order in line.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Thurston/AAPA** as applied to claim 8 above, and **further in view of Kane et al (US Patent No. 4,621,671)**. Thurston/AAPA teaches the structure above but does not teach that the conveyor member is made of chain. Kane teaches a chain conveyor member (**42, figure 2**). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the chain conveyor of Kane to the modular conveyor of Thurston to prevent slippage of the conveyor member under load.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Thurston/AAPA** as applied to claim 8 above, and **further in view of Curcuri (US Patent No. 5,141,040)**. Thurston/AAPA teaches the structure above but does not teach having at least two wheel assembly workstations. Curcuri teaches a pair of inline tire/wheel assembly workstations (**figure 2, 18**). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the inline pair of workstations of Curcuri to the modular assembly line of Thurston/AAPA in order to increase the amount of production capable.

***Allowable Subject Matter***

15. Claims **6, 7, 12 and 13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: Due to the structure of the modular conveyor of Thurston and the support wheel **(26)** there is no motivation to combine Thurston with a reference teaching a wheel carriage attached to the conveyor member since it would destroy the teachings of Thurston. It should be noted however that such carriages are well known in the art.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMK

  
MARC JIMENEZ  
PRIMARY EXAMINER  
11/7/05